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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY DENNIS, an individual,
Plaintiff,

vs.

SOC LLC, a Delaware limited liability company,
and MISSION SUPPORT AND TEST
SERVICES, LLC,
Defendant.

CASE NO.: 2:19-cv-00793

COMPLAINT

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Jeffrey Dennis (“Plaintiff” or “Dennis”), by and through his attorneys, the Garg Golden Law Firm, and files this Complaint against Defendant SOC LLC (“SOC”) and Mission Support and Test Services LLC (“MSTS”) (SOC and MSTS, collectively “Defendants”) alleging as follows:

JURISDICTION AND VENUE

1. This action is brought to remedy violations of the rights of Plaintiff under the Americans with Disabilities Act, as amended by the ADA Amendments Act, 42 U.S.C. § 12101 *et seq.* (the “ADA”), and the corresponding Nevada Revised Statutes (“NRS”) § 613.310 *et seq.* for discrimination.

2. Injunctive and declaratory relief, damages and other appropriate legal and equitable relief are sought pursuant to 42 U.S.C. § 12101 *et seq.* and NRS § 613.330.

1 12. The conditional offer required Plaintiff, among other things, to meet all medical,
2 psychological, and physical fitness requirements for Basic readiness Standards as stated in 10
3 C.F.R. 1046.

4 13. Under the law and under SOC and MSTs's guidelines, a kidney transplant is not a
5 disqualifier for the position for which Plaintiff received a conditional offer.

6 14. Plaintiff disclosed all relevant medical information to Defendants.

7 15. Plaintiff passed the Phase I medical assessment.

8 16. Following the Phase II medical assessment, however, Plaintiff was denied
9 employment based on alleged issues involving Plaintiff's renal function, and the conditional offer
10 of employment was withdrawn by SOC and MSTs due to the alleged "need to accommodate
11 changing work and meal schedules without potential incapacity."

12 17. Based on that determination, SOC and MSTs terminated Plaintiff's employment.

13 18. Nothing in Plaintiff's medical assessments, however, suggested that Plaintiff
14 needed an accommodation in terms of work or meal schedules.

15 19. Plaintiff provided Defendants with a letter from his nephrologist indicating Plaintiff
16 had no dietary or work restrictions for any type of job and that the renal issue indicated by the
17 physician assistant, Todd Kuhnwald, PA, who evaluated Plaintiff, was merely due to case of
18 diarrhea causing dehydration.

19 20. Nearly a year prior, Plaintiff had undergone a medical screening for a similar
20 position at the Nevada National Test Site with the predecessor security contractor to SOC,
21 Centerra, and was designated as being fit for "full duty."

22 21. The same physician assistant, Todd Kuhnwald, PA, evaluated Plaintiff in the prior
23 assessment as well and reported no disqualifying issues.

24 22. Plaintiff attempted to appeal the withdrawal of his conditional offer of employment
25 but was told that appeals are only available for existing employees.

26 23. Despite Defendants' actions and those of the medical professionals who evaluated
27 Plaintiff, Plaintiff remained ready, willing, and able to perform the essential functions of the job
28 for which he had received a conditional offer of employment.

FIRST CLAIM FOR RELIEF

(Disability Discrimination)

24. Plaintiff repeats and realleges the allegations of the prior paragraphs as though fully set forth herein.

25. At all relevant times, Plaintiff was a qualified individual with a disability and who Defendants regarded as having additional disabilities that plaintiff did not have.

26. Although Plaintiff did not seek or request any accommodations, Defendants regarding Plaintiff as having a “need to accommodate changing work and meal schedules without potential incapacity,” which Defendants did not accommodate.

27. Although Plaintiff had no disqualifying medical conditions, Defendants discriminated against Plaintiff by terminating Plaintiff’s employment based on medical conditions that were not disqualifying conditions and regarding plaintiff as having additional medical conditions that he did not have.

28. As a direct and proximate result of Defendant’s conduct, Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages in the form of past, present, and future lost earnings; past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount to be determined at trial.

29. Defendant’s conduct was willful, intentional, oppressive, malicious, and done with a wanton and reckless disregard for the rights of Plaintiff, thereby warranting the imposition of punitive damages in an amount to be determined at trial.

30. As a result of Defendant’s conduct, Plaintiff has been required to retain the services of an attorney and, as a direct and foreseeable result has been damaged thereby and is entitled to reasonable attorney’s fees and costs.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment for Plaintiff as follows:

1. Declaring that the acts and practices complained of herein are in violation of the

1 ADA and NRS §§ 613.330;

2 2. Awarding judgment as appropriate and requiring Defendant to pay Plaintiff's
3 compensatory damages, consequential damages, special damages, and any other damages
4 described herein and to be proven at trial, including punitive damages, back pay, and front pay;

5 3. Awarding prejudgment interest;

6 4. Awarding Plaintiff fees and costs associated with bringing this action, in addition
7 to reasonable attorney's fees as provided by the United States and or the Nevada statutes; and

8 5. Granting such other and further relief as this Court deems necessary and proper.

9 **JURY DEMAND**

10 Plaintiff demands a jury trial on all issues triable by a jury herein.

11 DATED this 7th day of May, 2019.

12 GARG GOLDEN LAW FIRM

13 By /s/ Anthony B. Golden
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